

REMARKS

Claims 1 – 25 are pending in the present application. Reconsideration is respectfully requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1 – 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Risch (U.S. Pat. No. 5,471,629). Applicant respectfully traverses this rejection for at least the following reasons.

Claim 1 (as amended) recites:

1. A method for tuning database objects, the method comprising:
collecting and storing performance data for a plurality of database objects in a database server computer system, wherein each of the plurality of database objects comprises an aggregation of stored data;
detecting a performance problem in the database server computer system;
identifying a problematic database object of the plurality of database objects using the performance data for the plurality of database objects, wherein the problematic database object is related to the performance problem; and
tuning the problematic database object to improve performance of access to the stored data in the database server computer system.

Regarding claim 1, Applicant respectfully submits that Risch fails to teach or suggest a method comprising “tuning the problematic database object to improve performance of access to the stored data in the database server computer system” as recited in claim 1 (as amended). Risch discloses a method for monitoring database objects using a database monitor such that clients are notified of database changes at an optimal rate. The database monitor disclosed by Risch may be configured using four tuning parameters: a change significance parameter, a tracking delay time parameter, a nervousness parameter, and a synchronous initiation parameter (see, e.g., col. 10, lines 58

– 62). It is the monitor itself, not a problematic database object, that is tuned in Risch (see, e.g., col. 11, lines 13 – 14). Furthermore, the monitor is tuned for optimal notification of the monitor’s clients (see, e.g., col. 7, lines 15 – 21), not “to improve performance of access to the stored data in the database server computer system.”

In section 5 of the Final Office Action, the Examiner states that the recitation “tuning the problematic database object to improve performance of access to the stored data in the database server computer system” has not been given patentable weight because it occurs in the preamble. Applicant submits that the case law cited by the Examiner (*In re Hirao*, 535 F.2d 67, 190 USPQ 15 [CCPA 1976] and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 [CCPA 1951]) is not relevant because the recitation at issue does indeed occur in the body of claim 1, not the preamble.

Applicant reminds the Examiner that anticipation requires the presence of each and every limitation of the claimed invention, arranged as in the claim, in a single prior art reference. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed above, Risch fails to disclose a method comprising “tuning the problematic database object to improve performance of access to the stored data in the database server computer system.” Therefore, Risch cannot be said to anticipate claim 1.

Thus, for at least the reasons above, the rejection of claim 1 is not supported by the cited art, and removal thereof is respectfully requested. Because independent claims 9, 17, and 25 recite limitations similar to those of claim 1, these claims are also believed to patentably distinguish over Risch. Applicant also asserts that numerous other ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-14700/BNK.

Respectfully submitted,



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Date: January 16, 2007